

Report to the Governor
December 7, 2000
Contents

- * Preamble
- * Guiding Principals
- * Recommendations

Preamble

The State of Montana is committed to recovering wolves. We will ensure that wolf populations are maintained at high enough numbers to prevent their reclassification as "threatened" under federal law in the three-state area of Montana, Idaho, and Wyoming. The State intends to implement positive management programs to make sure that recovery is complete and wolves are integrated as a valuable part of our wildlife heritage. Montana Fish, Wildlife & Parks is already engaged in activities which promote wolf recovery through its efforts on ungulate population monitoring, research, and management, through the acquisition and designation of Wildlife Management Areas, purchase of conservation easements, and other efforts to preserve and restore wildlife habitats.

Currently, the wolf is listed under the federal Endangered Species Act of 1973 and under Montana's own Nongame and Endangered Species Conservation Act passed in 1973. Beginning in the mid-1980's, wolves have become established in Montana, Idaho and Wyoming through natural recolonization and reintroduction. The U.S. Fish and Wildlife Service (USFWS) anticipates that recovery goals will be met in the foreseeable future. Among the requirements for delisting, the USFWS has determined that the states of Montana, Idaho, and Wyoming must have management plans and other adequate regulatory mechanisms in place to ensure that the recovered wolf population will remain secure within the northern Rocky Mountain Recovery Area following delisting.

The Governors of Montana, Idaho and Wyoming have agreed that regional coordination in wolf management among the states, tribes, and other jurisdictions will be necessary. Furthermore, it is in the best interest of the citizens of their respective states for wolf recovery and delisting to proceed as soon as possible.

The people of Montana have a significant stake in the future management of wolves and should be provided an opportunity to deliberate issues related to wolf recovery and management. The Montana Wolf Management Advisory Council was appointed by Governor Racicot to advise Montana Fish, Wildlife & Parks regarding wolf management in Montana after this species is removed from the lists of federal- and state-protected species, respectively.

We, the Council, recognize wolves as a species native to Montana. Integrating and sustaining wolf populations in suitable habitats will occur within the complex biological, social, economic, and political landscape of Montana. The State of Montana must ensure human safety, safeguard

Montana's livestock industry, maintain viable wildlife populations, and uphold the support of people with diverse public interests.

Wolves do well where prey, primarily deer and elk, are abundant. Restoration and maintenance of these prey populations is made possible through the financial investments of those participating in regulated public harvest of deer, elk, and other species. Prey populations are also dependent on open space, which in Montana, is often synonymous with large agricultural operations on private lands. Livestock operations often provide winter or year-round habitat for prey, which in turn may attract wolves and create the potential for wolf-livestock conflicts. It is important to maintain the economic viability of livestock operations that are adversely affected by wolf depredation. In the long run, this ensures habitat availability for both ungulates and wolves. Continued support and investments by those participating in regulated harvest of ungulates will, in time, lead to a regulated harvest of wolves to maintain a balance with prey populations as wolf numbers and distribution increase.

All Montanans share the challenges and opportunities associated with integrating the wolf into our landscape. To honor these diverse perspectives and interests, we, the Council, endorse the following Guiding Principles as the foundation for Montana's Wolf Management Plan.

Guiding Principles On Behalf of the Public Interest

- * The State of Montana is committed to maintaining wolf populations at numbers high enough to prevent their reclassification as "threatened" or "endangered" under federal law, in the three-state area.

- * The State of Montana should contribute a proportionate number of wolf packs towards the recovery goal identified by the USFWS for the states of Montana, Idaho, and Wyoming. We believe that an equitable distribution of packs among the tri-state area is consistent with the biological intent of the Rocky Mountain Recovery Plan, will ensure a well-distributed and viable population in the region, and will foster greater public acceptance for wolf presence in Montana.

- * Montana's wolf management program should be proactive, responsive, cost effective and incorporate public outreach to enhance general acceptance. Effective interagency, interstate, and state/tribal coordination will also be required.

- * The Council recognizes the ecological and cultural significance of wolves to Native Americans and encourages their cooperation in coordinated management.

- * The State of Montana should continue to engage a diverse, advisory citizen group to collaborate on the management of wolves.

- * The Montana Wolf Management Plan should guide the management of wolves while allowing Montana Fish, Wildlife & Parks management discretion and flexibility to accommodate the unique attributes of each pack and the site-specific characteristics of its home range.

- * Implementation of the Montana Wolf Management Plan should be contingent upon adequate funding, shared by state, federal, and private entities.

- * The State of Montana should make a long-term funding commitment to the conservation of wolves, commensurate with existing programs for black bears and mountain lions.

- * Montana Fish, Wildlife & Parks should take a lead role in the creation and implementation of a science-based information and education program to increase public knowledge with a goal of reducing the emotion and controversy regarding wolves and their management. The effort should be collaborative with other agencies and non-governmental organizations.

To Ensure Public Safety

- * The general public, in the unlikely need for defense of human life, may use any means, including lethal take, to address an imminent threat, regardless of location or wolf population status.

- * Montana Fish, Wildlife & Parks or a cooperating agency will take action when the continued presence of a wolf (or wolves) poses a potential threat to human safety, consistent with existing guidelines established for black bears and mountain lions.

- * The State of Montana may seek statutory authority to regulate the ownership of wolf-dog hybrids, as deemed necessary.

To Maintain Viable Wildlife Populations

- * We recognize that wolves have an important role in the ecosystem.

- * Wolves should be encouraged to exist in large, contiguous public land areas where the potential for conflict is lowest. Wolves should be permitted in other areas (mixed land ownership), commensurate with social acceptance and subject to the provisions to protect human safety, the integration of management programs for ungulates and carnivores, and the provisions which address wolf/livestock conflicts.

- * The Montana Wolf Management Plan should take a proactive approach to integrate the management of ungulates and carnivores and to maintain traditional hunting heritage and wildlife viewing opportunities.

- * Ungulate populations should be enhanced wherever possible (subject to landowner tolerance) to support viable wolf populations, to maintain recreational and viewing opportunities, and to minimize the potential for livestock depredation.

- * Montana Fish, Wildlife and Parks should initiate and/or support research efforts to enhance understanding of the complex interactions and population dynamics of ungulate/carnivore ecosystems, in addition to applying adaptive harvest management principles to achieve more effective management.

- * Ungulate harvest should be balanced with maintaining sufficient prey populations to sustain viable wolf populations and prevent reclassification under federal law.

- * Montana Fish, Wildlife & Parks should have a monitoring program for wolves to document wolf persistence and reproduction in a manner that balances precision and cost-effectiveness.

- * Opportunities for regulated public take of wolves through hunting and trapping should be provided as wolf numbers increase, but opportunity should also be consistent with sustaining viable wolf populations into the future, thereby precluding reclassification under federal law.

To Protect the Livestock Industry

- * Economic and other incentives should be provided to livestock producers who voluntarily implement best management practices that decrease the potential for wolf/livestock conflicts.

- * Livestock owners should have a quick and efficient means available to them to address wolf depredation problems.

- * There should be a positive relationship between wolf numbers and landowner flexibility to address wolf depredation problems on private lands. As wolf numbers increase, landowner flexibility should increase.

- * The Council acknowledges that tolerance for wolves on private property is fundamental to wolf population recovery and range expansion. Furthermore, we recognize that wolf recovery in Montana will result in the loss of personal property by wolf predation. Citizens should be compensated for livestock losses at fair market value. Compensation is critical to building tolerance for wolves by citizens who are adversely affected by wolves.

- * Montana Fish, Wildlife & Parks funds should not be used to make compensation payments for livestock depredations.

- o Montana Department of Livestock and USDA Wildlife Services should take an incremental approach to addressing wolf depredations on livestock, guided by wolf numbers. When wolf numbers are low, more conservative methods should be applied whereas increasingly more aggressive control methods should be applied as wolf numbers increase.

Recommendations

We, the Council, also make the following specific recommendations regarding legislation, funding, and educational efforts necessary for plan implementation.

Legislation

The wolf is listed as a state endangered species in Montana under the Nongame and Endangered Species Conservation Act (87-5-109 MCA) passed in 1973. Under this statute, the wolf is legally protected from take except for specific purposes (scientific, zoological, or educational) or in specific circumstances under a permit issued by the FWP Director. Wolves may also be taken without a permit in emergency situations involving an immediate threat to human life. Action by the Montana Legislature is required to remove a species from a state classification as 'threatened' or 'endangered.'

In 1995, the Montana Legislature passed Senate Bill 394, which amends Title 81 (Department of Livestock) sections by adding the wolf to the definition of predatory animal (81-7-101, MCA). Furthermore, it states, "The Department of Livestock shall conduct the destruction, extermination, and control of predatory animals capable of killing, destroying, maiming, or injuring domestic livestock or domestic poultry, and the protection and safeguarding of livestock and poultry in this state against depredations from these animals" (81-7-102, MCA). This section also states that the Department of Livestock shall "adopt rules applicable to predatory animal control which are necessary and proper for the systematic destruction of the predatory animals by hunting, trapping, and poisoning operations and payments of bounties." The effective date of this Act is "whenever the gray wolf is removed from the list of threatened or endangered species by the appropriate agency of the United States government."

The USFWS will not delist the gray wolf in Montana while the wolf remains classified as a "predatory animal" because FWP would have no ability to regulate take and the Department of Livestock would be required to conduct its extermination. Unless Statute 81-7-101 is amended, Montana would not have adequate regulatory mechanisms in place to assure the USFWS that wolves would not require subsequent reclassification and federal protection under the Endangered Species Act.

Montana Statute 87-3-130 addresses the taking of wildlife to protect persons or livestock. It states that there should be "no criminal liability for the taking of wildlife protected by this chapter if the wildlife is molesting, assaulting, killing, or threatening to kill a person or livestock." After wolves come under state management authority, the Council understands this Statute to also extend to livestock producers protecting their livestock from wolves which are found "molesting, assaulting, killing, or threatening to kill." However, it is unclear whether this statute could also be interpreted to include domestic pets and guarding animals under the concepts of defense of life and protection of livestock.

The Council makes the following legislative recommendations:

- * Amend 81-7-101 to remove the wolf from the list of "predatory animals."

- * Remove the wolf from its 'endangered' status under the Montana Nongame and Endangered Species Act concurrent with federal action removing the wolf from legal protection under the federal Endangered Species Act.

- * Reclassify the wolf as a species "in need of management" consistent with Montana Statutes 87-5-101 through 122, which convey authority to FWP and the FWP Commission to adopt regulations on take, including permitting livestock producers to take depredating wolves, hunting seasons, trapping regulations, etc. The FWP Commission may then confer a big game or furbearer status to the wolf when wolf numbers have increased to the point where regulated public take becomes appropriate. It should be the intent of the FWP Commission that regulated public take provisions allow hunting and trapping activities, subsequent to Commission oversight.

- * Amend Statute 87-3-130 to include pets (domestic dogs) and guard dogs (including guard llamas) under the defense of life and property concept, if legal interpretation concludes that they are not already.

Funding

The Council believes that implementation of the Montana Wolf Management Plan should be contingent upon adequate funding. We recommend that the State of Montana pursue all possible funding sources including, but not limited to, public/private foundations, federal or state appropriations, and other private sources.

Education

A wolf management plan for the state will be controversial. Personal opinions, anecdotal experiences, and biases for and against the wolf lead to emotional and often irrational viewpoints, creating a challenging environment in which to manage wolves. Therefore, the Council recognizes the importance, value, and need for an educational program to parallel management activities. The objectives of a sound wolf management education program should be to provide science-based and factual information regarding the wolf and its management in Montana, in the hopes that the public will become more knowledgeable, more objective, and less emotional regarding this species and its management.

Montana Fish, Wildlife & Parks should be the lead agency in the formulation and dissemination of an educational program. However, the information sources should include other state and federal agencies, non-governmental organizations, and tribes. All material provided to FWP and included in the program must be validated as factual and have a foundation of scientific data. Assuring the soundness of information will be the responsibility of FWP. This collaborative approach is also necessary to ensure that different groups do not put out conflicting information, which could undermine agency credibility and erode public acceptance of any wolf management program.